

Message Text

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R 181728Z JUL 73
FM SECSTATE WASHDC
TO AMEMBASSY SANTIAGO
AMEMBASSY REYKJAVIK
AMEMBASSY BELGRADE
AMEMBASSY JAKARTA
AMEMBASSY KUWAIT
AMEMBASSY ACCRA
AMEMBASSY TRIPOLI
AMEMBASSY MOSCOW
AMEMBASSY OTTAWA
AMEMBASSY DUBLIN
USINT CAIRO

UNCLAS STATE 140808

FOLLOWING SENT SECSTATE INFO USUN NEW YORK FROM GENEVA ON JUL 13,
RPTD TO YOU:

QUOTE

UNCLAS SECTION 1 OF 2 GENEVA 3585

E.O.11652 NA
TAGS PBOR UN
SUBJ LOS: SEABED CMTE MEETING, SUBCMTE II
WORKING GROUP, JULY 11, 1973

1. SUMMARY. WORKING GROUP CONTINUED STRUCTURED DISCUSSION
ON CONTINENTAL SHELF AND ECONOMIC ZONE. SOVIETS PROPOSED
CONTINENTAL SHELF LIMIT OF 500 METERS OR 100 MILES.
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2. CHILE EMPHASIZED ECONOMIC ZONE AND REFERRED
TO CONTINENTAL SHELF. IN LONG STATEMENT, REP (ZEGERS)
MADE THREE POINTS. FIRST WAS THAT REGIME OF SEABED BEYOND
NATIONAL JURISDICTION BEING CONSIDERED IN SUBCMTE

I WAS LINKED TO CONSIDERATION OF SEABED IN SUBCMTE II.
SECOND WAS POLITICAL UNITY OF VARIOUS DEFINITIONS OF
LIMITS FOR CONTINENTAL SHELF, ECONOMIC ZONE AND TERRITORIAL
SEA. THIRD CONCERNED ECONOMIC ZONE WHERE COASTAL STATE
WOULD HAVE EXTENSIVE POWERS OVER RESOURCES AND SIMILAR
MATTERS SUCH AS MARINE POLLUTION, SCIENTIFIC RESEARCH
AND ARTIFICIAL INSTALLATIONS BUT THERE WOULD BE FULL
FREEDOM OF NAVIGATION, OVERFLIGHT, LAYING OF SUBMARINE CABLES
AND "SO FORTH". IN CONNECTION WITH 200- MILE ECONOMIC ZONE,
REP NOTED THAT WIDE SUPPORT HAD BEEN GIVEN AND THAT THIS
WAS "POLITICAL FACT" AND EVIDENCE OF MERGING INTERNATIONAL
CUSTOM. CHILE FAVORED SINGLE LEGAL STATUS FOR RESOURCES
OF WATER COLUMN AND SEABED.CONCEPT OF CONTINENTAL SHELF
HAD BECOME PART OF CUSTOMARY LAW AND RIGHTS TO SHELF
RESOURCES EXISTED BEYOND 200 MILES; SUCH ACQUIRED
RIGHTS SHOULD BE TAKEN INTO ACCOUNT. LANDLOCKED STATES
SHOULD BE COMPENSATED OR REGIONAL ARRANGEMENTS MADE FOR
THEM.

3. NEW ZEALAND FIRMLY SUPPORTED ECONOMIC ZONE APPROACH.
REP STATED THAT NEW ZEALAND HAD RELIED UPON SHELF DOCTRINE
AND ISSUED LICENSES FOR CONCESSION AREAS BEYOND 200 MILES
WHICH WERE OF GREAT IMPORTANCE. WHILE RESOLUTION OF SUCH
EXISTING RIGHTS ISSUES WAS NOT EASY, NEW ZEALAND STRONGLY BELIEVED
THAT SOME EQUITABLE FORMULA MUST BE FOUND.

4. ICELAND STRESSED NEED FOR WG TO MOVE PROMPTLY.
ICELAND SUPPORTED ECONOMIC ZONE UP TO 200 MILES. CLAIMS
BEYOND 200 SHOULD BE LOOKED AT SEPARATELY AND PERHAPS
FINANCIAL ARRANGEMENTS COULD BE WORKED OUT IN THIS REGARD
INTERNATIONAL AUTHORITY.

5. YUGOSLAVIA BORDERED ON SEMI-ENCLOSED SEA WITH NO
POSSIBILITY OF EXPANDING ITS CONTINENTAL SHELF AREA
FURTHER. YUGOSLAVIA FAVORED DISTANCE CRITERION FOR
SHELF LIMITS BECAUSE IT WAS MORE CONVENIENT AND EASIER
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TO APPLY.

6. INDONESIA HAD NO DIFFICULTIES WITH EITHER SANTO
DOMINGO ARTICLES OR OAU DECLARATION. REP (DJALAL)
BELIEVED WG WAS MOVING TOWARD CONSENSUS ON (1) 200 MILE
DISTANCE CRITERION FOR ECONOMIC ZONE; (2) LIMIT BEING
MEASURED FROM TERRITORIAL SEA BASELINE, I.E., BOUNDARY
LINE OF CONTINENTAL SHELF SHOULD TAKE INTO ACCOUNT UNITY
OF ARCHIPELAGO STATE; (2) FOR SHALLOW AREAS OUTSIDE ECONOMIC
ZONE, COASTAL STATE HAVING CONTINENTAL SHELF RIGHTS;
(4) AREA OF CONTINENTAL SHELF OUTSIDE ECONOMIC
ZONE BEING AT LEAST TO 200 METERS DEPTH LINE; AND
(5) RIGHTS ACQUIRED IN GOOD FAITH BEING RESPECTED.
WG SHOULD LOCALIZE DEBATE ON ISSUE OF RIGHTS BEYOND 200

MILES AND UP TO ABYSSAL PLAIN. COMPROMISE WAS POSSIBLE BETWEEN ACQUIRED RIGHTS AND NEED TO ACCORD EQUITY TO LANDLOCKED STATES AND SIMILARLY SITUATED STATES. IN ANY CASE, COASTAL STATE COULD NOT BE DISLODGED FROM ITS SHELF RIGHTS WITHIN 200 MILES IN WHICH CONTROL OVER MARINE POLLUTION AND SCIENTIFIC RESEARCH WOULD BE EXERCISED. INDONESIA WAS ALSO SYMPATHETIC TO SPECIAL CONCERNS OF STATES BORDERING ON SEMI-ENCLOSED SEAS.

7. KUWAIT RAISED FOLLOWING QUESTIONS REGARDING COASTAL STATES HAVING CONTINENTAL SHELF RIGHTS BEYOND 200 MILES: (1) WOULD NOT SUCH RIGHTS GIVE MORE TO COASTAL STATES THAN THEY NEEDED? (2) WOULD NOT THERE BE INEQUITY TO OTHERS? (3) WOULD NOT THIS RESULT LIMIT INTERNATIONAL AREA IN WHICH INTERNATIONAL MACHINERY WOULD OPERATE?

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8. EGYPT BELIEVED THERE WERE THREE POINTS OF AGREEMENT IN WG: (1) PRESENT CONTINENTAL SHELF DEFINITION WAS INADEQUATE; (2) A NEW DEFINITION WAS NEEDED; AND (3) NEITHER NAVIGATION, OVERFLIGHT NOR LAYING OF SUBMERGED PIPELINES AND CABLES WOULD BE AFFECTED BY NEW DEFINITION. EGYPT INDICATED SUPPORT FOR 200-MILE BREADTH, FOR REGIONAL ARRANGEMENTS AND FOR REVENUE SHARING. EGYPT PREFERRED GIVING COASTAL STATES SOVEREIGNTY NOT UNCLASSIFIED

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MERE JURISDICTION OVER RESOURCES.

9. GHANA SPOKE IN SUPPORT OF 200- MILE EXCLUSIVE ECONOMIC ZONE WHICH WOULD INCLUDE CONTROL OVER MARINE POLLUTION AND SCIENTIFIC RESEARCH. ECONOMIC ZONE SHOULD NOT ONLY BE OF BENEFIT TO COASTAL STATES BUT ALSO LANDLOCKED, SHELF-LOCKED AND "ALL DISADVANTAGED STATES." TRADITIONAL USES OF SEA FOR NAVIGATION, OVERFLIGHT AND LAYING OF SUBMARINE CABLES AND PIPELINES SHOULD NOT BE HINDERED IN ECONOMIC ZONE. GHANA FAVORED ACQUIRED RIGHTS BEYOND 200 MILES BEING ADMINISTERED BY INTERNATIONAL COMMUNITY.

10. LIBYA STATED CONTINENTAL SHELF CONVENTION MUST BE REVISED AND FAVORED 200- MILE ECONOMIC ZONE MEASURED FROM BASELINE FOR TERRITORIAL SEA. FREEDOM OF NAVIGATION, OVERFLIGHT AND LAYING OF PIPELINES AND CABLES WOULD BE UNAFFECTED; HOWEVER, COASTAL STATE COULD STILL TAKE APPROPRIATE MEASURES TO PROTECT ITS NATIONAL SECURITY.

11. ARGENTINA OBJECTED TO USE OF TERM "CLAIM" AS IT ALREADY KNEW WHAT IT POSSESSED (REFERRING TO SHELF RESOURCES BEYOND 200 MILES). CHAIRMAN ENDED MORNING SESSION BY ASKING DELEGATES TO EXPLAIN MEANS OF COMPENSATION FOR

THOSE HARMED BY 200- MILE LIMIT.

12. USSR OPENED AFTERNOON SESSION OF SUBCMTE I WG WITH LONG DISCUSSION STRONGLY SUPPORTING TRADITIONAL CONTINENTAL SHELF CONCEPT. REP STRESSED THAT ECONOMIC ZONE SHOULD NOT REPLACE CONTINENTAL SHELF CONVENTION AND HE CONTRASTED MINERAL RESOURCES AND RESOURCES OF WATER COLUMN. EXPANSIVE EXTENSION OF COASTAL STATE SEABED RIGHTS SUCH AS 200 MILES WOULD DEROGATE FROM "WHAT IS USUALLY CALLED COMMON HERITAGE." ESTABLISHMENT OF INTERNATIONAL MACHINERY TO EXPLOIT WOULD LOSE ALL PRACTICAL SIGNIFICANCE WITH 200- MILE LIMIT AS ONLY 13 PERCENT OF KNOWN HYDROCARBONS WOULD BE IN INTERNATIONAL AREA. USSR SUPPORTED DEPTH LIMIT FOR CONTINENTAL SHELF OF 500 METERS WHICH CORRESPONDED WITH GEOMORPHOLOGICAL NATURE OF SHELF. THIS WOULD PLACE GREATER PART OF SLOPE AND PART OF RISE IN INTERNATIONAL AREA, THEREBY GIVING IT REAL ECONOMIC IMPORTANCE. IN CASES WHERE CONTINENTAL SHELF VERY NARROW, UNCLASSIFIED

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SOVIETS PROPOSED DISTANCE CRITERION OF 100 MILES. PRELIMINARY VIEW OF USSR WAS THAT REMOTE ISLANDS SHOULD RECEIVE MUCH NARROWER CONTINENTAL SHELF.

13. IRELAND REP EXPLAINED NATURAL PROLONGATION CONCEPT IN NORTH SEA CONTINENTAL SHELF CASES. PRINCIPAL POINT WAS THAT COASTAL STATES WOULD BE GIVING UP ACQUIRED RIGHTS IF RESOURCE RIGHTS TO NATURAL PROLONGATION AREA WERE TURNED OVER TO INTERNATIONAL AUTHORITY IN SOME FASHION.

14. CANADA RESPONDED TO TWO QUESTIONS POSED EARLIER BY EGYPT. FIRST CONCERNED AREA WHERE CANADA HAD OFFERED TO SHARE REVENUES. REP (BEESLEY) REPLIED THAT CANADIANS HAD OFFERED TO CONTRIBUTE A FIXED PERCENTAGE OF OFFSHORE REVENUES UP TO INTERNAL WATERS, I.E., WITHIN TERRITORIAL SEA AS WELL. SECOND RELATED TO STATUS OF AREA BEYOND 200 MILES AND OUT TO EDGE OF MARGIN. REP STATED THAT CANADA WOULD NEED COMPELLING REASONS FOR ALTERING ITS EXISTING LEGAL STATUS BUT THEY WERE WILLING TO NEGOTIATE REGARDING ASSURANCES FOR LANDLOCKED, SOME SHELF-LOCKED AND OTHER DISADVANTAGED STATES.

15. CHAIRMAN REITERATED THAT HE WOULD APPRECIATE DELEGATES CLARIFYING WHAT THEY MEANT BY COMPENSATION FOR GEOGRAPHICALLY DISADVANTAGED STATES, PARTICULARLY WITH REGARD TO RESOURCES IN AREA BEYOND ANY ECONOMIC ZONE. BASSIN UNQUOTE RUSH

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